IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9897 of 2004

Between:
Syed Ansar, S/o Ibrahim Saheb,
R/o Jayaram Rao Street, Srikalahasti Mandal, Chittoor District.
..... PETITIONER

AND
1 The A.P.State Wakf Board, Hyderabad rep.by his Chief Executive Officer, Haji Complex, Nampally, Hyderabad.
2 S.Mirzan Saheb,
R/o K.S.Street, Srikalahasti Mandal, Chittoor District.
3 S.A.Rasheed, S/o Razzaq Hussain,
R/o Dargah Street, Panagal, Srikalahasti Mandal, Chittoor District.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, in the nature of Mandamus declaring the proceedings of the 1st respondent herein bearing No.2/CTR/K/2004 dated 4-3-2004 in respect of the Wakf Property, Dargah Hazarath Jumele Peer Shah & Dada Peer and graveyard in Sy.No.224/8 with an extent of 0.94 cents and Mosque Azam in Sy.No.224/7 with an extent of 0.22 cents at Dargah MOH of Ponagal (V), Mandal Srikalahasti, Chittoor District constituting of the respondents 2 and 3 herein and 9 members are illegal, arbitrary, capricious, malafide, and violative of principles of natural justice, contrary to record and Sections 18 and 64 of the Wakf Act of 1995

For the Petitioner: Mr.M.T.GHORI, Advocate

For the Respondents: MR.S.M.SUBHANI, Standing Counsel For A.P. State Wakf Board

The Court made the following ORDER:

This writ petition is filed by the petitioner questioning the proceedings of the first respondent dated 04.03.2004 under which the respondents 2 and 3 along with nine others were appointed as members of the Managing Committee of the first respondent, A.P. State Wakf Board.

2. According to the petitioner, respondents 2 and 3 are not eligible to be appointed as such, and therefore sought for quashing of the proceedings to the extent of appointment of respondents 2 and 3, as, such appointment is not only illegal, arbitrary, capricious and mala fide but also violative of the principles of natural justice and contrary to Sections 18 and 64 of the Wakf Act, 1995 (for short 'the Act').

3. At the time of hearing, however, the learned Standing Counsel for the first respondent stated that there is an effective alternative remedy of appeal provided under Section 83(2) of the Act.

4. When once the petitioner has got an effective remedy of appeal and representation before the Tribunal constituted under the said provision, this Court, without going into the merits and the contentions advanced, declines to interfere with the impugned order. However, it is open to the petitioner to avail the alternative remedy of appeal or representation under Section 83(2) of the Act.

5. The writ petition is accordingly dismissed. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

18.06.2004
va

To
1 The Chief Executive Officer, A.P.State Wakf Board,
Haji Complex, Nampally, Hyderabad.

2. 2 CD copies